

Rec'd 2/12/12

to: Sammamish City Council

from: Citizens for Sammamish - Environment sub-committee

date: February 12, 2013

subject: Planning Commission ECA review and revision process

EXHIBIT NO. **CC 2**

First of all, we would like to thank and commend the Planning Commission (PC) for their lengthy and diligent work on the revisions to the Environmentally Critical Areas (ECA) ordinance. The process began well and there was significant interest in this code revision and much testimony, both from consultants and from the public. While the volume of reports and testimony was varied and large, the PC stayed the course and worked very hard to address the concerns that originally brought about this exercise. In the end, however, the process began slipping and the end result is less than satisfactory. Here are some observations of the Citizens for Sammamish - Environment sub-committee who followed this process very closely:

1. This current ECA re-write process was commissioned by the City Council (CC) because of a sunset clause in the original 2005 ECA ordinance (21A.50.400) which was inserted in the ordinance because several council members at that time were concerned about some of the overly restrictive provisions, particularly the large buffers on streams and wetlands. This current effort was to examine, in part, the latest Best Available Science (BAS) to see if these buffers really needed to be this large and restrictive. An environmental consultant was hired and prepared reports on several ECA topics. The results were disappointing because:
 - These reports included very little 'new' BAS and formed their conclusions from the original and rather questionable BAS. Much public testimony was presented about the lack of peer reviewed science and questionable application of some of the BAS used. This testimony seemed to be dismissed without any meaningful discussion or response. Also, the absence of 'BAS' in a given area was often used as justification for more stringent regulation (ie. there is no BAS that shows that one can develop immediately adjacent to an ECA without having a negative impact on that ECA.). (we believe that this data does exist and was simply not sought out or researched by the consultant)
 - The consultant was tasked to look only at BAS ('natural science') related to protecting our ECA's and therefore included no 'technological' science that might allow development closer to the ECA's while still providing for their necessary protection.
2. There was no opportunity for the public to engage in a dialogue with the PC or their consultant. Many questions were raised during the consultant's reports but the public had no opportunity to question or get clarification of an issue. Public testimony and questions or concerns were usually logged by staff and sometimes responded to, but for the most part were not discussed again nor included in the evaluation forms for deliberation by the PC.

3. While staff did a good job of providing information to the PC and cataloging and reporting the various testimonies, there seemed to be a significant bias on the part of staff in the material that was provided to the PC. And when the time came for evaluation of the various topics, staff prepared all of the evaluation forms and there seemed a reluctance on the part of the PC to challenge many of their conclusions. For instance, all of the Environmental evaluations were recorded as having a positive, neutral or negative environmental impact based on the current ECA ordinance. This biased the results in that reducing the current environmental restrictions would record as a negative impact even though, since the existing ECA may have been overly restrictive, there may actually be a totally neutral impact. THE ORIGINAL CITY COUNCIL CONCERNS THAT THE EXISTING ECA ORDINANCE WAS, IN SOME INSTANCES, TOO RESTRICTIVE WAS NEVER CONSIDERED, NOR WAS THERE ANY CONSIDERATION THAT TECHNOLOGY MIGHT OFFER EQUAL OR BETTER PROTECTIONS THAN SIMPLY KEEPING AWAY FROM THE ECA ALTOGETHER.
4. The role of animal habitat became a significant factor in maintaining the wide buffers adjacent to the ECA's. There was little discussion as to the importance or necessity of wildlife protections even though there was testimony requesting such discussion. The consultant's reports seemed to indicate that while the wildlife benefitted from the buffers, the animal waste was a pollutant which was detrimental to the ECA's.

There are many other issues with this code revision that we hope the City Council will look into before acting on the recommended code revisions. Some of these concerns have already been presented to the Council (Citizens for Sammamish letter dated 12/11/2012), and others will come before you during your deliberations. It is the goal of the Citizens for Sammamish that the revised ECA ordinance will reflect a fair and sustainable balance between the protection and preservation of our critical environments and a respect for the rights of our citizens to utilize and develop their private property in a reasonable and respectful manner. Please consider giving your constituents the opportunity to think outside the box in offering ideas for both protecting and enjoying the ECA's rather than just hiding them behind unkempt buffers.